


<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number <b>Q79174</b>	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/772,466	February 6, 2004	
	First Named Inventor		
	Moon-Jeong CHOI		
	Art Unit	Examiner	
	2614	Maria EL ZOObI	
<p style="text-align: center;">WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>55,154</u></p> <div style="text-align: right;">         Signature     </div> <div style="text-align: right;">       David P. Emery        _____        Typed or printed name     </div> <div style="text-align: right;">       (202) 293-7060        _____        Telephone number     </div> <div style="text-align: right;">       March 27, 2008        _____        Date     </div>			

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q79174

Moon-Jeong CHOI

Appln. No.: 10/772,466

Group Art Unit: 2614

Confirmation No.: 6714

Examiner: Maria EL ZOOBI

Filed: February 6, 2004

For: LEGACY FAX SERVICE SYSTEM IN HOME NETWORK AND METHOD THEREOF

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated December 27, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-20 are pending in the application and stand rejected.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edson (US 6,526,581) in view of Lee (US 2003/0078990) and in view of Skladman (US 2003/0026393) and in view of Kimura (US 6,091,515).

In the Response to Arguments section of the Office Action of December 27, 2007, the Examiner contends:

Edson clearly discloses a fax machine (Fig. 1, el. 33) connected to the home network (Fig. 1, el. 21 and 23) through a power switch (not shown but inherent. All fax machines must

have a power switch) and a telephone line (Fig. 2, el. 19, 15; also see Col. 4, lines 25-30).

(*Office Action*, p. 2.)

Consequently, it appears the Examiner is relying on inherency to support that the fax machine is connected to the home network through a power switch. As a basis for this position, the Examiner contends that all fax machines must have a power switch. However, Applicant submits that even if such were the case, i.e. all fax machines have a power switch, this fails to support the Examiner's position that the fax machine is connected to a home network through the power switch. Rather, this inherency argument merely provides support that the fax machine has a power switch. It fails to support any connecting of the fax machine to the home network via a power switch.

Moreover, while Edson utilizes both a power line 23 and a twisted pair of wires 21 for connecting devices, Edson only uses a single line, either the power line 23 or the twisted pair of wires 21 for the connection. Edson never discloses that a device is connected using both a power line 23 and a twisted pair of wires 21. Further, Edson prefers the twisted pair of wires 21 due to easier interfacing, but uses the power line 23 connection because power outlets are located throughout the premises, allowing connectivity in the absence of a twisted pair of wires 21. Thus, one of ordinary skill in the art would read Edson as teaching away from using a power line 23 connection when a twisted pair of wires 21 is accessible.

However, in the Advisory Action, the Examiner asserts:

Examiner believe that the Applicant misconstrue the rejection in the light of the combination of the references. Kimura suggest, transmitting a control command to a power switch to change the state of the fax machine, Kimura in combination with the other references (Edson, Lee, Skladman) provide this feature through a separate AC connection to control the power in order to receive fax data without failure. Examiner believe that the

combination of the references still teach the claimed invention,  
therefore maintain the final rejection.

(*Advisory Action*, p. 1).

In contrast to the Examiner's position, Applicant respectfully submits the applied combination fails to disclose "a fax machine connected to the home network through a power switch and a telephone line." As set forth in the Response filed February 27, 2008, Edson only uses a single line, either the power line 23 or the twisted pair of wires 21 for the network connection. Edson never discloses that a device is connected using both a power line 23 and a twisted pair of wires 21.

Moreover, while Kimura discloses transmitting a control command to the energy saving control unit 13, this energy saving control unit 13 is internal to the facsimile apparatus 1. More particularly, the energy saving control unit 13 is only connected to the system control unit 5 of the fax machine 1 (*see* FIG. 1) and to an external device 22 via a communications line 24. Additionally, as shown in FIG. 2, there are no direct connections between the energy saving control unit 13 and any AC power source. While this energy saving control unit 13 sends a signal to the system control unit 5 to cancel the energy saving mode, this in no way correlates to having a network connected to the facsimile apparatus 1 via a power switch. In fact, Kimura fails to disclose where any such power switch is disposed.

Consequently, Applicant respectfully submits the Examiner's position is unsupported by the applied references. Specifically, because none of the applied references disclose this feature, even if combined as suggested by the Examiner, the suggested combination fails to disclose all the features of claim 1.

Thus, Applicant submits claim 1 is allowable for at least this reason. Additionally, because claims 6 and 11 recite a feature similar to the feature argued above with regard to claim

1, Applicant submits claims 6 and 11 are allowable for the same reasons set forth above.  
Further, Applicant submits claims 2-5, 7-10 and 12-18 are allowable at least by virtue of their dependency from claims 1, 6 or 11.

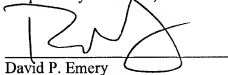
**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable Edson (US 6,526,581) in view of Lee (US 2003/0078990) and in view of Skladman (US 2003/0026393) and in view of Kimura (US 6,091,515) and in view of Frise (6,628,771).

In the rejection, the Examiner contends Edson, Lee, Skladman and Kimura fail to disclose how a power jack, power switch, power plug and adapter are connected together. To cure this deficiency, the Examiner applies Frise.

In response, Applicant submits that because Frise, either taken alone or in combination with Edson, Lee, Skladman or Kimura, fails to compensate for the above noted deficiencies of the Edson/Lee/Skladman/Kimura combination as set forth above with regard to claims 1 and 6, claims 19 and 20 are allowable, at least by virtue of their dependency.

Respectfully submitted,



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